

By the end of Henry's reign in 1189, not only were the itinerant justices a normal feature of English life but a permanent session of the King's Court, the forerunner of the Court of Common Pleas, was in existence at Westminster.

1166 Trial by Jury Takes Root in England
The Assize of Clarendon signals a reform of Criminal Justice.

Henry II is remembered as one of the great architects of the English system of justice, above all for extending the power of the King's Courts, in both civil and criminal actions at the expense of private feudal courts. His notable achievement in law reform was the Assize of Clarendon of 1166, a set of instructions given to royal judges appointed to tour the country and see that

the king's peace was upheld.

This practice of sending out royal justices on circuit - "justices in eyre" as they became known - instead of relying on local justices and sheriffs, quickly became regular procedure. The Assize of Clarendon empowered the judges to hear all suspected criminals presented to them by juries of 12 worthy men from each hundred - a subdivision of a county or shire. No baronial or other privilege conferred exemption from this duty.

Juries of presentment were not new; linking them closely to central royal government was. So was the power given to juries in the wake of the Assize of Clarendon to pronounce judgement in disputes arising from dispossession of land, enticement of land, or the right to present a person to a church living. This was the origin of trial by jury which became standard after the Lateran Council of 1215 banished trial by ordeal.

Assize of Novel Disseisin

Jury of 12 men of the neighborhood
to judge disputed dispossession of land;
empanelled by sheriff acting on royal
writ; jury decided whether a man had
been wrongfully dispossessed of land
by another; if so, land returned

1166

1912 Dates J-BK

Assign of CLARENDON.
England

1166-1168

1912 Dates J-BK

Italy & Germany

Fourth expedition to Italy.

PASCHAL III conducted to
Rome by Frederick.